

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

JESSICA MITCHELL,
PLAINTIFF

COMPLAINT

VS

CASE # _____

SCOTLAND MEMORIAL HOSPITAL, INC.,
SCOTLAND HEALTH CARE SYSTEM
DEFENDANTS

A. JURISDICTION

This action is brought pursuant to Title VII of the Civil Rights Act of 1964 as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 USC Section 2000e(5). Equitable and other relief are also sought under 42 U.S.C. 2000e(5)(g). Jurisdiction is also based on 28 U.S.C. Sections 1331, 1343 and 42 U.S.C. Sections 1981 ET seq. Where employment discrimination is based upon age is alleged, jurisdiction is conferred by 29 U.S.C. Sections 626 (c) (1) and 626 (e) and appropriate relief is also sought.

B. PARTIES

PLAINTIFF: JESSICA MITCHELL
P.O. BOX 1327
13 MELISSA DR.

PEMBROKE, NC 28372

DEFENDANTS: SCOTLAND MEMORIAL HOSPITAL
500 LAUCHWOOD DR
LAURINBURG, NC 28352

SCOTLAND HEALTH CARE SYSTEM
500 LAUCHWOOD DR
LAURINBURG, NC 28352

C. NATURE OF CASE

Ms. Mitchell was employed by the defendants at : Pembroke Family Practice, 410 D South Jones St, Pembroke , 28372.

The discriminatory acts occurred on or about January 2012 through July 17th 2012. She filed charges with the Equal Employment Opportunity commission regarding the defendant's discriminatory conduct on or about Feb 22nd 2013. The Equal opportunity Commission sent the attached “ Notice of Right to Sue” which She received on March 26th 2013.

THE discriminatory acts that are the basis of this suit are failure to promote her, termination of her employment, demotion, general harassment, and retaliatory termination.

Defendant's conduct is discriminatory with respect to her race and age.

1. CAUSE OF ACTION

1. Age discrimination

Jessica Mitchell a Caucasian female , the plaintiff in this case was employed by the defendants, Scotland Memorial Hospital and Scotland Health Care System from

November 12, 1992 until July 2012. For the last seven years of her employment she was employed as the officer manager at a clinic serving clients. January of 2012, Ms. Mitchell was informed that she was being demoted to the position of clerical coordinator and that the hospital would be hiring a practice manager who would run the clinic. She was informed of this by Maureen Gianni and Paul Brooks, Jr(a native American Male) (her direct supervisors). She was given the reason that the new supervisor had the ability to do budgets and run the practice which was becoming much more busy. Ms. Mitchell was never offered the opportunity to train to handle this position. She was told that the new person already had that experience. Ms Saunders (an African American female), who was the person brought into take over essentially Ms. Mitchell's job was substantially younger than Ms. Mitchell. Even though the Ms. Saunders was suppose to take over the financial management of the clinic. She still insisted that Ms. Mitchell handle the financial side of the management of the clinic as well.

Moreover, during this time, she complained numerous times to Ms. Gianni and Mr. Brooks and nothing was done. Ms. Mitchell also complained about the illegal practices at the clinic in which drug tests were provided to people who were not eligible. She complained about doctors who refused to see patients even they were mandated by federal law to see the clients they refused to see.

She finally complained to the Ms. Locklear (a Native American female) Director of Human Resources for the Scotland memorial Hospital about her reduction in title but not in responsibilities to a younger employee. Nothing was done.

July 17th 2012, she was approached by Ms. Locklear and Ms. Gianni and was given a severance document that informed her she could move to another clinic at a reduction of pay or be terminated and that she was no longer a good fit at the clinic she was at. She was told to leave. She was told to call by 5 pm the net day with her decision. She called and told them she would take the severance. She has not as of this day received that severance payment. She was never compensated or paid she was only told to leave.

Count II. Race Discrimination

As a Caucasian female, She was discriminated against by the defendants in the following acts :

Jessica Mitchell a Caucasian female , the plaintiff in this case was employed by the defendants, Scotland Memorial Hospital and Scotland Health Care System from November 12, 1992 until July 2012. For the last seven years of her employment she was employed as the officer manager at a clinic serving clients. January of 2012, Ms. Mitchell was informed that she was being demoted to the position of clerical coordinator and that the hospital would be hiring a practice manager who would run the clinic. She was informed of this by Maureen Gianni and Paul Brooks, Jr(a Native American Male) (her direct supervisors). She was given the reason that the new supervisor had the ability to do budgets and run the practice which was becoming much more busy. Ms. Mitchell was never offered the opportunity to train to handle this position. She was told that the new person already had that experience. Ms Saunders (an African American female), who was the person brought into take over essentially Ms. Mitchell's job was substantially younger than Ms. Mitchell. Even though the Ms. Saunders was suppose to take over the financial management of the clinic. She still insisted that Ms. Mitchell handle the financial side of the management of the clinic as well.

Moreover, during this time, she complained numerous times to Ms. Gianni and Mr. Brooks and nothing was done. Ms. Mitchell also complained about the illegal practices at the clinic in which drug tests were provided to people who were not eligible. She

complained about doctors who refused to see patients even they were mandated by federal law to see the clients they refused to see.

She finally complained to the Ms. Locklear (a Native American female) Director of Human Resources for the Scotland memorial Hospital about her reduction in title but not in responsibilities to a younger employee. Nothing was done.

July 17th 2012, she was approached by Ms. Locklear and Ms. Gianni and was given a severance document that informed her she could move to another clinic at a reduction of pay or be terminated and that she was no longer a good fit at the clinic she was at. She was told to leave. She was told to call by 5 pm the net day with her decision. She called and told them she would take the severance. She has not as of this day received that severance payment. She was never compensated or paid she was only told to leave.

3. RETALIATORY TERMINATION

Jessica Mitchell a Caucasian female , the plaintiff in this case was employed by the defendants, Scotland Memorial Hospital and Scotland Health Care System from November 12, 1992 until July 2012. For the last seven years of her employment she was employed as the officer manager at a clinic serving clients. January of 2012, Ms. Mitchell was informed that she was being demoted to the position of clerical coordinator and that the hospital would be hiring a practice manager who would run the clinic. She was informed of this by Maureen Gianni and Paul Brooks, Jr(a Native American Male) (her direct supervisors). She was given the reason that the new supervisor had the ability to do budgets and run the practice which was becoming much more busy. Ms. Mitchell was never offered the opportunity to train to handle this position. She was told that the new person already had that experience. Ms Saunders (an African American female), who was the person brought into take over essentially Ms. Mitchell's job was substantially younger than Ms. Mitchell. Even though the Ms.

Saunders was suppose to take ever the financial management of the clinic. She still insisted that Ms. Mitchell handle the financial side of the management of the clinic as well.

Moreover, during this time, she complained numerous times to Ms. Gianni and Mr. Brooks and nothing was done. Ms. Mitchell also complained about the illegal practices at the clinic in which drug tests were provided to people who were not eligible. She complained about doctors who refused to see patients even they were mandated by federal law to see the clients they refused to see.

She finally complained to the Ms. Locklear (a Native American female) Director of Human Resources for the Scotland memorial Hospital about her reduction in title but not in responsibilities to a younger employee. Nothing was done.

July 17th 2012, she was approached by Ms. Locklear and Ms. Gianni and was given a severance document that informed her she could move to another clinic at a reduction of pay or be terminated and that she was no longer a good fit at the clinic she was at. She was told to leave. She was told to call by 5 pm the net day with her decision. She called and told them she would take the severance. She has not as of this day received that severance payment. She was never compensated or paid she was only told to leave.

E. Injury

By being terminated by my employer, I have been unable to find alternative employment and my family has endured financial hardship due to the loss of my income.

F. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

I have filed no other lawsuits in state or federal court that deal with the same facts involved with is action

G. REQUEST FOR RELIEF

Defendants, request monetary damages in the amount of \$250,000.00(two hundred fifty thousand dollars), attorney's fees and whatever relief the court finds equitable and just in this matter.

JURY TRIAL

Plaintiff requests and prays for a jury trial in this matter

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty that she is the plaintiff in the above action, that she has read the above complaint and that the the information contained therein is true and correct. 28 U.S.C. Sec 1746; 18 U.S.C. Section 1621.

Executed at 2530 Meridian Pkwy Durham, NC 27713 on June 17th 2013

/S/CHRISTOPHER SHELLA
Christopher Shella, ESQ.
2530 Meridian Pkwy
Durham, NC 27713
919 438 3472
ncbar# 33552

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

JESSICA MITCHELL

VS

AFFIDAVIT OF SERVICE

CASE # _____

SCOTLAND MEMORIAL HOSPITAL;
SCOTLAND HEALTHCARE SYSTEM

The above entitled affirmation in support was filed electronically on April 23, 2013 by the CM/ECF system AND SERVED BY CERTIFIED MAIL UPON THE DEFENDANTS AT : 500 LAUCHWOOD DR LAURINBURG NC 28352.

/S/CHRISTOPHER SHELLA,ESQ.

Christopher B. Shella, ESQ.

2530 Meridian Pkwy

Durham, NC 27713

919438 3472

NC bar # 33552